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SCIENTIFIC SUB-COMMITTEE

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Brussels, 7 November 1997.

POSSIBLE AMENDMENT OF HEADING 25.18

(Item II.6 on Agenda)

Reference documents :

- 19.449 Annex XVIII (Technical Team)
- 21.046 (NC/33)
- 21.150 Annexes K/32 and P/3 (NC/33 - Report)
- 40.030 (HSC/17)
- 40.260 Annex C/3, para.4 (HSC/17 - Report)
- 40.081 (RSC/13)
- 40.180 Annexes C/18 and H/14 (RSC/13 - Report)
- 40.039 (HSC/17)
- 40.260 Annexes E/1 (para.56), M/13 and N/14 (HSC/17 - Report)
- 40.434 (HSC/18)
- 40.600 Annex H/5 (HSC/18 - Report)
- 40.802 (SSC/12)
- 40.870 Annex A/15 (SSC/12 - Report)

I. BACKGROUND

1. At its 12th Session, the Scientific Sub-Committee examined the following questions posed by the Harmonized System Committee concerning the possible alignment of the English and French texts of heading 25.18 and its subheadings :
 - (a) whether the expression "pisé de dolomie" should be replaced by "dolomie agglomérée (y compris la dolomie goudronnée)" in the French texts of heading 25.18 and subheading 2518.30 as the equivalent of "agglomerated dolomite (including tarred dolomite)" in the English version; and

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- (b) whether the term “calcinée” only should be used in the French texts of heading 25.18 and subheadings 2518.10 and 2518.20 as the equivalent of “calcined” in the English version.
2. The Delegate of France suggested that, in order not to create any problem to industry, both the above questions should be studied further in detail. After discussion, the Sub-Committee agreed to examine these questions further at its next session on the basis of comments and proposals to be provided by administrations.

II. COMMENTS FROM ADMINISTRATIONS

France

3. On 17 September 1997, the Secretariat received the following comments from France :
4. “...(My) consultations (with industry) have revealed that the term “pisé de dolomite” is still used by the industry to denote products in powder form consisting of dolomite, generally mixed with binders, and intended for calcining after shaping. The equivalent English technical term is “ramming material dolomite”.
5. The term “agglomerated dolomite” generally denotes the same product once it has been shaped.
6. I feel that it would be preferable to align the English text on the French insofar as these products are marketed in the form of powder and not pre-shaped.
7. The heat treatment applied to dolomite to obtain refractory products is generally at a temperature exceeding 1700°C. The term “frittage” used in French is correct, though the professionals tend to use the term “calcination”. There would therefore be no objection to deleting the term “frittée” from the French text. However, the term “fritter” is to be preferred to describe the heat treatments applied in the case of magnesia (heading 25.19)...”.

Canada

8. On 18 September 1997, the Secretariat received the following note from Canada :
9. “...The Canadian Administration prefers to have the French word “frittée” removed. At times, this term can be considered equivalent to the term “calcined”, however, “frittée” can also be considered to be equivalent to the English terms “sintered”, “fritted” or “fused” which involve some element of fusion (melting) which is therefore different from “calcined”.
10. The “Grand dictionnaire encyclopédique Larousse” indicates that the term “pisé” refers to a brick made from clayey soils and gravel. Since this is different from the English meaning, our Administration prefers to substitute the French term “pisé”, with the term “goudronné”.

11. Considering our comments and using the English as the preferred version, our Administration suggests the following version of the French heading and subheading texts :

French text. Delete and substitute.

25.18 Dolomie, même calcinée;...; dolomie agglomérée (y compris la dolomie goudronnée)

2518.10 Dolomie, non calcinée

2518.20 Dolomie calcinée

2518.30 Dolomie agglomérée (y compris la dolomie goudronnée)...”.

III. SECRETARIAT COMMENTS

Whether the term “calcinée” only should be used in the French texts of heading 25.18 and subheadings 2518.10 and 2518.20 as the equivalent of “calcined” in the English version

12. According to Canada, the term “frittée” can also be considered to be equivalent to the English terms “sintered”, “fritted” or “fused” which involve some element of fusion (melting) and are different from “calcined”. Therefore, the term “frittée” in the French texts should be removed.
13. France has no objection to deleting the term “frittée” from the French text.
14. Noting that in some other headings of Chapter 25 (e.g., heading 25.07, 25.08 or 25.11) the French term “calciné” is used as the counterpart of the English term “calcined”, the Secretariat supports the deletion of the term “frittée” from the French texts of heading 25.18 and subheadings 2518.10 and 2518.20.

Whether the expression “pisé de dolomie” should be replaced by “dolomie agglomérée (y compris la dolomie goudronnée)” in the French texts of heading 25.18 and subheading 2518.30 as the equivalent of “agglomerated dolomite (including tarred dolomite)” in the English version

15. Canada prefers to substitute the term “pisé” with the term “goudronnée”, because the term “pisé” refers to a brick made from clayey soils and gravel.
16. France however indicates that “pisé de dolomie” is an industry term to denote a product in powder form consisting of dolomite generally mixed with binders, and intended for calcining after shaping. The equivalent English technical term is “ramming material dolomite”.

17. The Secretariat is uncertain as to which version (English or French) of heading 25.18 and subheading 2518.30 reflects the industry practices better than the other. Therefore, both possibilities are examined below.

(a) Possible alignment of the French version on the English :

18. According to the last paragraph of the Explanatory Note to heading 25.18 (French version), "pisé de dolomie" is obtained from "dolomie frittée" (or calcined dolomite). The English version of the Explanatory Note also says so with respect to "agglomerated dolomite". "Pisé de dolomie" or "agglomerated dolomite" is used as a refractory material.
19. The product "ramming material dolomite" referred to by the French Administration, however, is intended for calcining after shaping. It is not clear whether the dolomite used for obtaining this material was previously calcined, as required by the said Explanatory Note. The product is also in powder form, implying that it has not yet been agglomerated.
20. Assuming that "ramming material dolomite" is not a calcined product, the expression "pisé de dolomie" in the French version of the texts of heading 25.18 and subheading 2518.30 would not cover the same products as "agglomerated dolomite (including tarred dolomite)" in the English version.
21. Taking account of the fact that in several other HS headings (e.g., heading 44.01 or 45.04) the French term "aggloméré" is used as the counterpart of the English term "agglomerated", it would seem appropriate to replace the expression "pisé de dolomie" by "dolomie agglomérée (y compris la dolomie goudronnée)" in the French texts of heading 25.18 and subheading 2518.30 as the equivalent of "agglomerated dolomite (including tarred dolomite)" in the English version, as suggested by the Canadian Administration (see paragraph 11 above).

(b) Possible alignment of the English version on the French version

22. According to the French Administration, "pisé de dolomie" refers to dolomite mixed with binders in powder form whereas the English expression "agglomerated dolomite" refers to shaped products.
23. The English term "agglomerated dolomite" might be misunderstood to mean products shaped by agglomeration. The "Grand Larousse Universel" refers to the French term "aggloméré" as an artificial construction material in regular geometrical form, resulting from setting and hardening of a mixture of a binder and inert materials. It should be noted that such shaped products generally fall in Chapter 68. For this reason, the French Administration's submission also merits careful consideration. The Sub-Committee is therefore requested to consider, as a second option, the possible alignment of the English version on the French, that is, to use the expression "ramming material dolomite" or "dolomite mixed with binders [(including tarred dolomite)]" in the English version.

Misalignment between the English and French versions of the Explanatory Note to heading 25.18

24. Another point for consideration is that the French version of the last sentence of the third paragraph of the Explanatory Note to heading 25.18 states that “dolomie” and “pisé de dolomie” are refractory materials, while its English version states that “...agglomerated dolomite It is used as a refractory material” (page 204). The Secretariat is of the view that non-calcined dolomite could not be used as a refractory material. However, the Sub-Committee is also requested to clarify this point so that the Secretariat could take this aspect into account in its future work on the alignment of the Explanatory Note to heading 25.18.

III. CONCLUSION

25. Taking into account the above comments by the French and Canadian Administrations and by the Secretariat, the Sub-Committee is invited to express its view as to :
- (a) whether the term “frittée” should be deleted from the French texts of heading 25.18 and subheadings 2518.10 and 2518.20;
 - (b) whether :
 - (i) the expression “pisé de dolomie” should be replaced by “dolomie agglomérée (y compris la dolomie goudronnée)” in the French texts of heading 25.18 and subheading 2518.30 as the equivalent of “agglomerated dolomite (including tarred dolomite)” in the English version or
 - (ii) the expression “agglomerated dolomite (including tarred dolomite)” should be replaced by “ramming material dolomite” or “dolomite mixed with binders [(including tarred dolomite)]” in the English texts of heading 25.18 and subheading 2518.30 as the equivalent of “pisé de dolomie” in the French version; and
 - (c) whether non-calcined dolomite could be used as a refractory material.